Doc Code: AP.PRE.REQ

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

OID 2002-247-01

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature_____	Application Number 10/678,800	Filed October 3, 2003
	First Named Inventor Todd P. Guay	
Typed or printed name _____	Art Unit 2166	Examiner Ahluwalia, Navneet K.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record. 39,768
Registration number _____.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

/Peter C. Mei/
_____
Signature

Peter C. Mei
_____
Typed or printed name

408.321.8663 (ext. 208)
_____
Telephone number

August 1, 2011
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☑ *Total of __1__ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)
	) **Group Art Unit:** 2166
Todd P. GUAY, et al.	)
	) **Examiner:** AHLUWALIA,
Serial No.: 10/678,800	) NAVNEET K.
	)
Filed: October 3, 2003	) **Confirmation No.:** 3882
	)
For: PRESERVING SETS OF	)
INFORMATION IN ROLLUP TABLES	)
	)
	)

NOTICE OF APPEAL AND
PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on March 30, 2011 and advisory action mailed on June 27, 2011, Applicant herein submits a pre-appeal brief request and notice of appeal under 37 C.F.R. § 41.31(a) for review, and respectfully request for a pre-appeal brief conference and accompanying arguments as follows.

Claim Rejections – 35 USC Section 102

Claims 1-8, 25-32, and 49-68 have been rejected under 35 USC 102 (b) as allegedly being anticipated by Dalal (US Pat. No. 5,537,589). Applicants respectfully traverse.

Claim 1 explicitly recites:

> A method of aggregating a plurality of entries in a table in a database management system into <u>an aggregated entry in the table or another table</u> in the database management system, the method comprising:
> making the aggregated entry, the aggregated entry representing the plurality of entries and including a first field whose value is a metric value computed from a set

of individual values of a field in the plurality of entries and a second field whose set value is a representation of the set of individual values, the metric value having the property that the individual values from which the metric value was computed cannot be derived from the metric value and the representation of the individual values having the property that the individual values are derivable therefrom, so that <u>a single entry comprises both the metric value and the set value</u>, wherein at least some of the individual values are lost with the metric value and the individual values are not lost with the set value" (emphasis added).

The final rejection and advisory action cites to column 6, lines 32-47 and column 7, lines 11-25 of Dalal as disclosing this element. Those two portions state:

> The facility then traverses an index on the aggregated column of the source table in order to perform the aggregation. Traversing an index refers to looping through the rows of an index, and for each row of the index, looping through each bookmark in the row. FIG. 6 is an index diagram showing an index on the Sales Price column. The Sales Price index 600 contains two columns: a Sales Price column 603 and a Bookmark column 610. Each row of the index corresponds to a unique value from the Sales Price column of the Orders table, and contains that Sales Price field value and the bookmark field value from those rows of the Orders table having that value in the Sales Price field. <u>For example, the first row of the index contains the Sales Price field value "$42.00" and the bookmark field values "5" and "6," indicating that the fifth and sixth rows of the Orders table have the Sales Price field value $42.00</u>. (Emphasis added).

> FIG. 7 is a flow diagram showing the Aggregate routine 323 contained by the facility for <u>aggregating a table</u>. The routine receives the following arguments: an index on the grouping column of the source table to be aggregated, an index on the aggregated column of the source table, and the aggregation function. These indices are identified by the facility in response to an aggregation request from the user identifying the grouping column and the aggregation column. The aggregation request from the user also identifies the aggregation function. Briefly, in the routine, <u>the facility generates a set of bitmaps from the grouping column index, then uses the bitmaps with the aggregated column index to identify the aggregated value and grouping value for each column, which it uses to aggregate the aggregated value into the result value for the grouping value</u>. (Emphasis added).

To anticipate a claim, MPEP 2131 states:

"A claim is anticipated only if **each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference**." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) … The elements **must be arranged as required by the claim,**

but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)…"

Dalal does not anticipate the claim because Dalal does not set forth each and every element as found in the claims and arrange the elements as required by the claim. Dalal does not disclose the one aggregate entry in one table with the two fields as claimed. Moreover, the fields of Dalal are not arranged as required by the claim. Specifically, neither of those two portions nor anywhere else in Dalal disclose an aggregated entry in a single table having both a first field and a second field, the first field comprises the metric value where some of the individual values of the metric value are lost, and a second field comprises a set value where individual values of the set value are not lost.

Column 6, lines 32-47 refers to an index (Fig. 6) which has fields for sale prices and bookmarks. Each entry of the index of Fig. 6 includes bookmark and sale price information. Neither of these two fields of Fig. 6 discloses the metric value because no individual values are lost in the index of Fig. 6. Therefore, index of Fig. 6 does not disclose an entry in a table with the two fields comprising the metric and set values.

Column 7, lines 11-25 refers to an aggregate routine for aggregating a table which may create a result table of Fig. 11. Fig. 11 of Dalal merely discloses an aggregated entry including the sum, bookmark and division. None of these three fields for the entry in the table of Fig. 11 discloses the set value which represents the set of individual values where the individual values are not lost. Therefore, Fig. 11 also does not disclose an entry in a table with the two fields comprising the metric and set values.

As stated above, Dalal discloses in Fig. 6 a table with entries where all the fields have values where individual values are derivable (e.g., not lost). Therefore, there is no value for any entries in the table of Fig. 6 that is the metric value. Dalal also discloses in Fig. 11 a table where all the fields of the entries have values where individual values are not derivable (e.g., lost). Therefore, there is no value in any of the entries of the table of Fig. 11 that is the set value.

Because the tables of Figures 6 and 11 are different tables, Dalal does not disclose a single entry in a table having both metric value and set value as recited by the claim. Therefore, Dalal does not disclose the entry as claimed. Moreover, because the values of Dalal are in different tables (e.g., Figs. 6 and 11), the entry/fields are not arranged as required by the claim.

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Because <u>no single entry in a table</u> of Dalal disclose the <u>two fields within one entry in one table</u>, Dalal does not disclose at least the feature of "making the aggregated entry, the aggregated entry representing the plurality of entries and including a first field whose value is a metric value computed from a set of individual values of a field in the plurality of entries and a second field whose set value is a representation of the set of individual values, the metric value having the property that the individual values from which the metric value was computed cannot be derived from the metric value and the representation of the individual values having the property that the individual values are derivable therefrom, so that <u>a single entry comprises both the metric value and the set value</u>, wherein at least some of the individual values are lost with the metric value and the individual values are not lost with the set value" (emphasis added).

For at least the above reasons, it is respectfully submitted that Dalal does not anticipate claim 1. Therefore, allowance of claims 1 is respectfully requested. Independent claims 25 and 57 include similar elements. Therefore, they are allowable for at least the same reasons. Dependent claims 2-8, 26-32, 49-56 and 58-68 depends from independent claims 1, 25 or 57 and are likewise not anticipated.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **OID 2002-247-01**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **OID 2002-247-01**.

Respectfully submitted,

Dated: <u>August 1, 2011</u>

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